

## **Federal Courts Improvement Act of 2000**

### **Summary of Provisions**

#### **Article III Judges:**

- ▶ Amends 28 U.S.C. § 332(a) to provide for the participation of senior judges in circuit judicial councils. (Section 205)
- ▶ Amends 28 U.S.C. § 371(e) to entitle Article III judges to have contributions made to the Military Survivor Benefit Plan on their behalf from the military retirement fund even though they are ineligible to receive retired pay from that fund while in regular active service. (Section 303)
- ▶ Amends 5 U.S.C. § 5551(a) to allow federal or District of Columbia government employees to receive a lump-sum payment for accumulated and accrued leave earned during government service upon appointment as an Article III judge. (Section 310)

#### **Magistrate Judges:**

- ▶ Amends 28 U.S.C. § 631 to extend to the Judicial Conference of the United States the statutory authority to establish magistrate judge positions in the district courts in Guam and the Northern Mariana Islands. (Section 201)
- ▶ Amends 28 U.S.C. § 636 to redefine the civil and criminal contempt authority of magistrate judges. (Section 202)
- ▶ Amends 28 U.S.C. § 636(a) and 18 U.S.C. § 3401(b) and (g) to eliminate the requirement that a defendant consent to the authority of a magistrate judge in all petty offense cases, including class B misdemeanor cases that do not charge a motor vehicle offense. Also amends 18 U.S.C. § 3401(g) to permit magistrate judges to preside over Class A misdemeanor cases that involve juvenile defendants, and to provide magistrate judges with the authority to sentence juvenile defendants to terms of imprisonment in misdemeanor cases. (Section 203)

#### **Bankruptcy Court Operations:**

- ▶ Amends 28 U.S.C. § 1930(a)(2) to increase the fee for filing bankruptcy petitions under chapter 9 (debt adjustment for municipalities) from \$300 to be equal to the fee for filing petitions under chapter 11 (reorganization), currently \$800. (Section 103)
- ▶ Amends 28 U.S.C. § 1930(a) to make the total fee paid for converting a chapter 7 (liquidation) or chapter 13 (individual debt adjustment) bankruptcy case to a chapter 11 (reorganization) case equal to the filing fee for a chapter 11 case. (Section 104)



- ▶ Amends 28 U.S.C. §1930(a) to authorize the Judicial Conference to implement fees in the bankruptcy administrator program in the judicial districts in the states of Alabama and North Carolina similar to those currently imposed by 28 U.S.C. § 1930(a)(6) (chapter 11 cases). (Section 105)
- ▶ Makes a technical correction to 11 U.S.C. § 1228 by striking “1222(b)(10)” and inserting “1222(b)(9).” (Section 208)
- ▶ Amends section 406(b) of Pub. L. No. 101-162 to allow for the renumbering of the Bankruptcy Fee Schedule that is required due to the repeal of outdated fees, while retaining the current revenue structure related to the receipt of such fees. Fees established prior to the enactment of the legislation, with the exception of noticing fees, will be deposited into the general Treasury, and any fees established after that date will be deposited into the judiciary fund established under 28 U.S.C. § 1931. (Section 209)
- ▶ Amends section 302(d)(3) of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Pub. L. No. 99-554; 28 U.S.C. § 581 note) to make permanent the statutory authority for bankruptcy administrators in Alabama and North Carolina. (Section 501)

**Court of Federal Claims:**

- ▶ Repeals 28 U.S.C. § 2520 providing for a filing fee for the United States Court of Federal Claims as unnecessary, given the Judicial Conference’s authority to establish a fee schedule for the Court of Federal Claims under 28 U.S.C. §1926. (Section 207)
- ▶ Amends 28 U.S.C. § 175 to provide that retired judges of the Court of Federal Claims are not subject to residence restrictions; the judge’s actual abode in which the judge customarily lives shall be deemed to be the official duty station. (Section 307)
- ▶ Amends 28 U.S.C. § 797(a) to provide that any judge of the Court of Federal Claims receiving a disability annuity under 28 U.S.C. § 178(c) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be designated as a senior judge and perform the duties of a recalled judge. (Section 308)
- ▶ Adds 28 U.S.C. § 179 to provide new application and eligibility rules for current and retired judges of the Court of Federal Claims regarding federal life insurance and health benefit programs. (Section 309)

**Clerks/Certifying Officials:**

- ▶ Adds 28 U.S.C. § 613 to give the Director of the Administrative Office authority to appoint certifying officials in the various court units who will be responsible for the propriety of payments they request and to appoint disbursing officials in the various court



units who will be responsible for ensuring that payment requests are proper, certified and approved. The provision also provides for the enforcement of personal liability of certifying officials in the judicial branch and defines the grounds on which a certifying official may be required to make restitution to the government. (Section 304)

**Court Operations:**

- ▶ Allows the judiciary to retain any additional offsetting receipts derived from increases in miscellaneous fees charged in the federal courts of appeals, district courts, bankruptcy courts, the Court of Federal Claims, and the Judicial Panel on Multidistrict Litigation. Such additional amounts collected are to be deposited into the special judiciary fund in the Treasury, to be available to offset funds appropriated by Congress for the operation and maintenance of the courts. (Section 102)
- ▶ Amends 28 U.S.C. § 1865 (the Jury Selection and Service Act) to permit the chief judge to authorize the clerk of the court, under the supervision of the court (and if provided for in the court's jury selection plan), to determine whether persons are qualified, unqualified, exempt, or excused from jury service. (Section 305)
- ▶ Adds a new subsection (h) to 28 U.S.C. § 332 to permit the United States Court of Appeals for the Federal Circuit to appoint a circuit executive. (Section 306)
- ▶ Amends 28 U.S.C. § 117 to authorize Springfield, Oregon as an additional place of holding court in the District of Oregon. (Section 502)

**Defenders:**

- ▶ Amends 18 U.S.C. § 3006A(d)(2) to increase the case compensation maximum amounts for attorneys for various representations under the Criminal Justice Act. (Section 210)
- ▶ Amends 18 U.S.C. § 3006A(d)(1) to allow for attorneys to be reimbursed for reasonable costs of defending actions alleging malpractice of counsel in furnishing representational services under this section. (Section 211)
- ▶ Amends 28 U.S.C. § 2671, the Federal Tort Claims Act (FTCA), to exempt federal public defenders from the FTCA as the exclusive remedy for claims relating to representational services, to permit such claims to be made outside the FTCA, and to rely on the Criminal Justice Act's malpractice provisions in 18 U.S.C. § 3006A(g)(3). (Section 401)



**Miscellaneous:**

- ▶ Amends 28 U.S.C. § 612 to provide clarification regarding the authority and operation of the Judiciary Information Technology Fund in relation to certain executive branch policies concerning procurement and management of information technology resources. (Section 101)
- ▶ Amends 28 U.S.C. § 604 to eliminate the savings and loan case data reporting requirement from the duties of the Director of the Administrative Office. (Section 204)
- ▶ Amends Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Pub. L. No. 101-650), as amended by Pub. L. No. 105-53 to clarify that 28 U.S.C. § 471 should have been included in other provisions relating to civil justice expense and delay reduction plans that were previously sunsetted. (Section 206)
- ▶ Amends 28 U.S.C. §§ 611 and 627 to provide greater equity and parity in crediting prior federal service for purposes of retirement by the Director of the Administrative Office of the United States Courts and the Director of the Federal Judicial Center. (Section 301)
- ▶ Amends 28 U.S.C. § 996(b) to amend applicability of certain leave provisions to employees of the U.S. Sentencing Commission. (Section 302)
- ▶ Amends 5 U.S.C. § 3102(a)(1) to extend authority to the judiciary to employ personal assistants for handicapped employees. (Section 311)
- ▶ Amends 28 U.S.C. § 627 to eliminate the mandatory retirement age for the Director of the Federal Judicial Center. (Section 312)
- ▶ Amends section 9(c) of the Act entitled “An Act relating to the policing of the building and grounds of the Supreme Court of the United States” (40 U.S.C. § 13n(c)), to re-authorize certain Supreme Court Police authority until 2004. (Section 313)